

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

NOTICE BY SANICO, INC. TO)	
INCREASE ITS SEWAGE RATES)	CASE NO.
AND FOR APPROVAL TO FINANCE)	8773
PLANT ADDITIONS)	

O R D E R

On June 13, 1983, the city of Maysville ("City"), an intervenor herein, filed an application to subpoena certain documents and records in the possession of Sanico, Inc. ("Sanico"). On June 20, 1983, Sanico filed a response objecting to the subpoena on the grounds that the information requested is either already on file in this case, nonexistent or not in possession of Sanico.

The Commission, having considered the application for a subpoena, the response and the evidence of record and being advised, is of the opinion and finds that:

1. City's request to subpoena all corporate minutes and records of Sanico, and all agreements made by Sanico with Mason County Sanitation District No. 2, with sewer customers and with any business in which James P. Breslin is a principal, partner or shareholder is overbroad, burdensome and oppressive until the City established that the documents are relevant and material to this case.

2. Sanico already has on file the Commission copies of all existing evidences of indebtedness.

3. Sanico already has on file with the Commission in this case and its previous rate case No. 8083 copies of its federal tax returns for the past five years.

4. Sanico has provided detailed records of its financial condition and should not be required to produce its cash disbursements journal until the City establishes that it is relevant and material.

5. Sanico already has on file in this case a copy of a quote for the three phase pumps estimated to cost \$25,682.

6. Sanico's rate application contains numerous references to agreements and transactions with the City regarding Sanico's tie-in to the City's sewer system. The City and all other parties should be provided with copies of all correspondences between Sanico and the City or its utility commission upon which Sanico intends to rely in the hearing.

7. The City and all parties to this case should be afforded an opportunity at the hearing scheduled at 9:30 a.m. on June 23, 1983, to establish the need to subpoena any document not previously provided.

IT IS THEREFORE ORDERED that a subpoena shall be issued to Sanico to provide all correspondence with the City or its utility commission upon which it intends to rely in the hearing.

IT IS FURTHER ORDERED that the City's application to subpoena other documents and records of Sanico be and it hereby is denied until the relevancy and materiality has been established.

Done at Frankfort, Kentucky, this 22nd day of June, 1983.

PUBLIC SERVICE COMMISSION

Did Not Participate
Chairman

Bernice Randall
Vice Chairman

Al Carr
Commissioner

ATTEST:

Secretary